

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
)
v.) CRIMINAL NO. 04-10129-RCL
)
)
MARK MCARDLE,)
Defendant.)

FINAL ORDER OF FORFEITURE

LINDSAY, D.J.,

WHEREAS, on April 22, 2004, a federal grand jury sitting in the District of Massachusetts returned a twelve count Indictment charging defendant Mark McArdle (the "Defendant"), and others, with crimes including the following drug trafficking crimes: Conspiracy to Distribute Oxycodone, in violation of 21 U.S.C. § 846 (Count One); Conspiracy to Import Oxycodone, in violation of 21 U.S.C. § 963 (Count Two); Conspiracy to Distribute Marijuana, in violation of 21 U.S.C. § 846 (Count Three); Attempted Possession with Intent to Distribute Marijuana, in violation of 21 U.S.C. § 846 (Count Four); Conspiracy to Distribute Controlled Substances including Cocaine and Marijuana, in violation of 21 U.S.C. § 846 (Count Seven); Attempted Possession with Intent to Distribute, and Distribution of, Cocaine, in violation of 21 U.S.C. § 846 (Counts Eight, Nine and Eleven); and Distribution of Cocaine, in violation of 21 U.S.C. § 841(a)(1) (Count Ten);

WHEREAS, the Indictment contained a drug trafficking forfeiture allegation, which sought the forfeiture, upon

conviction of the offenses alleged in Counts One through Four and Seven through Ten of the Indictment, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such violations; and any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, pursuant to 21 U.S.C. § 853, including, but not limited to, the following:

- a) the real property located at 10 Jana Lane, Stratham, New Hampshire (the "Jana Lane Property");

WHEREAS, on October 17, 2006, the Defendant pled guilty to each of the Counts of the Indictment in which he was named, including Counts One through Four and Seven through Ten of the Indictment, pursuant to a written plea agreement (the "Agreement");

WHEREAS, in the Agreement, the Defendant admitted that the Jana Lane Property was subject to forfeiture on the grounds that it was proceeds of the Defendant's unlawful drug activity, and consented to the forfeiture of any and all of his interest in the Jana Lane Property;

WHEREAS, on February 21, 2007, this Court issued a Preliminary Order of Forfeiture, pursuant to 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, against the Defendant's interest in the Jana Lane Property;

WHEREAS, on April 4, 2007, April 11, 2007, and April 18, 2007, a Notice of Order of Forfeiture was published in the Manchester Union Leader newspaper pursuant to 21 U.S.C. § 853(n);

WHEREAS, on April 18, 2007, East Boston Savings Bank ("EBSB") filed a Petition for Adjudication of the Validity of its Interest in the Jana Lane Property;

WHEREAS, based on the EBSB Petition filing, the United States entered into an Expedited Settlement agreement with EBSB, and upon receipt of the proper documentation, the United States shall pay any valid outstanding mortgages or liens on the Jana Lane Property in accordance with applicable law; and

WHEREAS, to date, no other claims of interest in the Jana Lane Property have been filed with the Court and the time within which to do so has expired;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.

2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Jana Lane Property, and it is hereby forfeited to the United States of America pursuant to the provisions of 21 U.S.C. § 853.

3. Pursuant to the Expedited Settlement Agreement between EBSB and the United States, the United States shall pay any valid outstanding mortgages or liens on the Jana Lane Property in

accordance with applicable law. Payment of the liens is contingent upon the United States receiving the proper documentation from EBSB.

4. All other parties, having any right, title, or interest in the Jana Lane Property, are hereby held in default.

4. The United States Marshals Service is hereby authorized to dispose of the Jana Lane Property in accordance with applicable law.

DONE AND ORDERED in Boston, Massachusetts, this _____ day of _____, 2007.

Dated:

REGINALD C. LINDSAY
United States District Judge